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EXAMINER
ALAM, UZMA

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/623,893	DONZIS ET AL.
	Examiner	Art Unit	
	Uzma Alam	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/03*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed on July 21, 2003. Claims 1-52 are

pending. Claims 1-52 represent a method for communicating to users in real time.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-44, 46-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Bakshi et

al. US Patent No. 6,772,200. Bakshi teaches the invention as claimed including sending

messages to users (see abstract).

As per claim 1, Bakshi teaches a method for communicating real-time to users of an

Internet service provider, comprising the steps of:

a. Inserting a redirecting device in the path of web traffic from the user (a proxy; column

2, lines 53-65);

b. Identifying the user by using data available from the user and provider infrastructure to

provide a fixed identifier (user profile; column 3, lines 1-23);

c. Providing the fixed identifier to a consolidating and management device (column 3,

lines 1-33); and

d. Selectively transmitting a message to the user for display on the message vehicle (column 3, lines 1-33, 35-67; column 4, lines 1-21).

As per claim 2, Bakshi teaches the method of claim 1, wherein the message vehicle is a pop-up window on the user PC's browser (column 7, lines 48-59).

As per claim 3, Bakshi teaches the method of claim 1, further including the step of transmitting to the user a vehicle for displaying and communicating a message from the consolidating and management device to the user (sending the user a DAM; column 2, lines 52-65).

As per claim 4, Bakshi teaches the method of claim 1, wherein the insertion step includes web cache control protocol (column 5, lines 1-10).

As per claim 5, Bakshi teaches the method of claim 1, wherein the insertion step includes switching mechanisms in an existing ISP router or switch (column 2, lines 40-52).

As per claim 6, Bakshi teaches the method of claim 1, wherein the message vehicle is a prompt provided on the user PC (column 7, lines 48-59).

As per claim 7, Bakshi teaches the method of claim 1, wherein the fixed identifier is a unique identifier of the user, such as a modem address (column 3, lines 1-33)

As per claim 8, Bakshi teaches the method of claim 1, wherein the message is transmitted in response to an event determined by the redirecting device (column 3, lines 1-33).

As per claim 9, Bakshi teaches the method of claim 1, wherein the user is identified to belong to a defined group of users and wherein the message is selectively sent to a pre-selected user group (column 2, lines 40-52).

As per claim 10, Bakshi teaches the method of claim 1, wherein the redirecting device is adapted for working through Web browsers irrespective of the World Wide Web destination sought by the user identifier (column 4, lines 1-21).

As per claim 11, Bakshi teaches the method of claim 10, wherein the redirecting device returns the user to the original World Wide Web destination after the message has been transmitted (column 3, lines 1-33).

As per claim 12, Bakshi teaches the method of claim 1, wherein the redirecting device is adapted for working with multiple types of content (column 4, lines 1-21)

As per claim 13, Bakshi teaches the method of claim 1, wherein the redirecting device comprises a hardware device that can be simply connected at various points, in plurality, in a provider infrastructure (column 2, lines 40-52).

As per claim 14, Bakshi teaches the method of claims 13, further including a plurality of redirecting devices (column 2, lines 40-52).

As per claim 15, Bakshi teaches the method of claim 13, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the user but results only in an interruption of bulletin delivery (column 3, lines 35-67).

As per claim 16, Bakshi teaches the method of claim 1, wherein the redirecting device comprises a software system installed on a computer system that is connected at various points, singly or in plurality, in a provider infrastructure (column 2, lines 40-52).

As per claim 17, Bakshi teaches the method of claims 16, further including a plurality of redirecting devices (column 2, lines 40-52).

As per claim 18, Bakshi teaches the method of claim 16, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the user but results only in an interruption of bulletin

delivery (column 3, lines 35-67).

As per claim 19, Bakshi teaches the method of claim 1, further including the step of

defining a specific policy for controlling the selective transmission of messages to the user

(column 3, lines 1-33).

As per claim 20, Bakshi teaches the method of claim 19, further including the step of

defining a policy Web or other page information (column 3, lines 1-33).

As per claim 21, Bakshi teaches the method of claim 19, further including the step of

defining a policy that includes timing and frequency of delivery (column 3, lines 1-33).

As per claim 22, Bakshi teaches the method of claim 19, further including the step of

defining a policy for activating the redirecting device to deliver a message in response to other

user activity (column 3, lines 35-67).

As per claim 23, Bakshi teaches the method of claim 22, wherein the activity comprises a

defined destination (column 3, lines 35-67).

As per claim 24, Bakshi teaches the method of claim 22, wherein the activity comprises

the amount of activity by the user (column 3, lines 35-67).

As per claim 25, Bakshi teaches the method of claim 22, wherein the activity comprises a requests carrying the signature of virus contamination (column 4, lines 48-52).

As per claim 26, Bakshi teaches the method of claim 1, further including the step of generating a plurality of independently designated policies to be delivered correctly to the user even if some policy events invoke in simultaneity (column 3, lines 35-67).

As per claim 27, Bakshi teaches the method of claim 26, wherein the redirecting device includes the ability to acquire the knowledge of the policies and the identifier when a Web or other request is detected with only an identifying IP address (column 3, lines 1-33).

As per claim 28, Bakshi teaches the method of claim 27, wherein the redirecting device is adapted for minimizing the overhead of acquiring user parameters through caching of that information for a determined portion of the time during which the protocol announces it as valid (column 3, lines 1-33).

As per claim 29, Bakshi teaches the method of claim 1, wherein the redirecting device is adapted for use in connection with a consolidating system management device for permitting a group of system devices to be viewed by the provider as a single system (column 1, lines 40-52).

As per claim 30, Bakshi teaches the method of claim 1, wherein the identifier step uses the enforced delivery of a Web page to be used in the distribution and subscription of new users

without prior knowledge of the serial numbers associated with the new user's interface

equipment and without requiring the user to utilize special software (column 6, lines 5-19).

As per claim 31, Bakshi teaches the method of claim 30, further comprising the step of

using the enforced delivery of a Web page to reduce the volume of telephone support requests by

the enforced pre-announcement of known, future system outages due to scheduled maintenance

(column 3, lines 1-33).

As per claim 32, Bakshi teaches the method of claim 30, further comprising the step of

using the identifier for detection of "signature" forms of Internet packets that indicate the

presence of undesirable content (column 4, lines 48-52; column 7, lines 50-67; column 8, lines 1-

16).

As per claim 33, Bakshi teaches the method of claim 32, wherein the undesirable content

is a virus (column 4, lines 48-52; column 7, lines 50-67; column 8, lines 1-16).

As per claim 34, Bakshi teaches the method of claim 32, further including the step of

transmitting a message identifying the undesirable content to the provider (column 4, lines 48-

52; column 7, lines 50-67; column 8, lines 1-16).

As per claim 35, Bakshi teaches the method of claim 32, further including the step of

transmitting a message identifying the undesirable content to the user (column 4, lines 48-52;

column 7, lines 50-67; column 8, lines 1-16).

As per claim 36, Bakshi teaches the method of claim 34, further including the step of logging the undesirable content identifying message (column 4, lines 48-52; column 7, lines 50-67; column 8, lines 1-16).

As per claim 37, Bakshi teaches the method of claim 31, wherein the transmitting step includes enforcing the delivery of other user-beneficial information that is currently displayed on the manually accessed provider information Web site (column 3, lines 1-33; column 7, lines 1-50).

As per claim 38, Bakshi teaches the method of claim 19, further including the step of logging successful implementation of policies to each user (column 3, lines 1-33; column 7, lines 1-50).

As per claim 39, Bakshi teaches the method of claim 19, further including the step of logging interactive responses that have been requested within the policy (column 3, lines 1-33; column 7, lines 1-50).

As per claim 40, Bakshi teaches the method of claim 19, further including the steps of detecting and logging the number of simultaneously requested Web connections (column 3, lines

1-33; column 7, lines 1-50).

As per claim 41, Bakshi teaches the method of claim 40, further including the step of flagging users that are utilizing more than one simultaneous device per subscription (column 3, lines 1-33; column 7, lines 1-50).

As per claim 42, Bakshi teaches the method of claim 19, further including the step of transmitting explanations to be issued, in an enforced manner, to subscribers, after a service interruption, in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the efforts that are to be taken in the future to eliminate such problems (column 7, lines 1-20).

As per claim 43, Bakshi teaches the method of claim 1, wherein the inserting step includes inserting a redirecting device in the path of web traffic from the user through an ISP (column 7, lines 1-20).

As per claim 44, Bakshi teaches the method of claim 1, wherein the inserting step includes inserting a redirecting device in the path of web traffic from the user through an aggregation router (column 2, lines 40-52; column 7, lines 1-20).

As per claim 46, Bakshi teaches the method of claim 1, wherein the inserting step includes inserting a redirecting device in the path of web traffic between a Network Address

Translator (NAT) and an ISP (column 8, lines 24-32).

As per claim 47, Bakshi teaches the method of claim 46, wherein the NAT is connected

to a Wi-Fi network (column 8, lines 24-32).

As per claim 48, Bakshi teaches the method of claim 47, wherein the Wi-Fi is adapted for

accommodating a plurality of users (column 8, lines 24-32).

As per claim 49, Bakshi teaches the method of claim 48, wherein the redirecting device is

further configured to identify each of the plurality of users on the Wi-Fi network (column 8, lines

24-32).

As per claim 50, Bakshi teaches the method of claim 49, wherein the redirecting device

identifies each of the plurality of users by performing the following steps: a. temporarily

redirecting the each active user to a visible or non-visible, null-Web page that sets a cookie with

the required information to identify the action and user in the future; b. capturing the identity and

previous activity flagged by the set cookie (column 7, lines 21-47).

As per claim 51, Bakshi teaches the method of claim 50, further including the step of

sending a selected message to a selected one of the identified users (column 7, lines 21-47).

As per claim 52, Bakshi teaches the method of claim 46, wherein the redirecting device identifies each of the plurality of users by performing the following steps: a. temporarily redirecting the each active user to a visible or non-visible, null-Web page that sets a cookie with the required information to identify the action and user in the future; b. capturing the identity and previous activity flagged by the set cookie (column 7, lines 21-47).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bakshi et al. US Patent No. 6,772,200 in view of Eldering US Patent No. 6,615,039. Eldering teaches the invention as claimed including communicating between a server and clients (see abstract).

As per claim 45, Bakshi teaches the method of claim 1. Bakshi does not teach wherein the inserting step includes inserting a redirecting device in the path of web traffic from the user through a CMTS. Eldering teaches wherein the inserting step includes inserting a redirecting device in the path of web traffic from the user through a CMTS.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the inserting step of Bakshi with CMTS of Eldering. A person of ordinary skill in the art would have been motivated to do this to relay ad streams to clients.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6.   Griffiths US Patent No. 6,014,698

7.   DeCoursey et al. US Patent No. 6,594,706

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Uzma Alam
Ua
June 20, 2006

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